

**CITY OF MIDDLEBURG HEIGHTS, OHIO**

Resolution No. 2024- **89**

Introduced By: Mayor Matthew Castelli

**A RESOLUTION  
ESTABLISHING A MORATORIUM ON THE ESTABLISHMENT OR  
COMMENCEMENT OF FIREWORKS RETAIL ESTABLISHMENTS WITHIN THE  
CITY OF MIDDLEBURG HEIGHTS AND DECLARING AN EMERGENCY**

WHEREAS, recent changes in the law, enacted by the State General Assembly, made the use of 1.4G fireworks, commonly referred to as consumer fireworks, legal on certain permitted dates in the State of Ohio; and

WHEREAS, the potential proliferation in fireworks usage enabled by these recent changes in the law will increase demand for fireworks retail establishments; and

WHEREAS, the location of such fireworks retail establishments could potentially adversely affect the health, safety, and general welfare of the City's citizens; and

WHEREAS, this Council finds it to be in the best interest of the health, safety, and general welfare of the citizens of Middleburg Heights to adopt a moratorium on the establishment or commencement of fireworks retail establishments within the City to allow ample time to determine the appropriate zoning and any necessary restrictions for such facilities.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MIDDLEBURG HEIGHTS, STATE OF OHIO, AS FOLLOWS:

Section 1: It is the legislative intent of this Resolution to establish a temporary moratorium on the establishment or commencement of fireworks retail establishments within the City of Middleburg Heights for a period of six months from the effective date of this resolution. The purpose of this moratorium is to maintain the status quo while the City reviews and studies these types of facilities to determine the appropriate zoning for such facilities in order to protect residential and commercial neighborhoods from negative secondary effects created by such facilities.

Section 2: A temporary moratorium is hereby imposed on the establishment or commencement of fireworks retail establishments or similar uses with the City of Middleburg Heights for a period of six months from the effective date of this resolution, unless ended earlier by action of the City Council. That the City shall not accept, process, or approve any new applications or issue any new permits, licenses,

variances, or any zoning applications from or for fireworks retail establishments. Said moratorium may be reasonably extended by the Council, if necessary, by resolution.

Section 3: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Chapter 107 of the Middleburg Heights Code and Section 121.22 of the Ohio Revised Code.

Section 4: That this Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety, and welfare of said City, and for the further reason that this Resolution is required to be immediately effective to protect the public's interests by imposing a temporary moratorium on the establishment or commencement of fireworks retail establishment and similar uses within the City to allow the City adequate time to review, study, and to establish appropriate zoning for these types of uses. Wherefore, provided this Resolution receives the affirmative vote of at least two-thirds (2/3) of the members of Council it shall take effect and be in force immediately upon its passage and approval by the Mayor.

Passed: 11/12/24

David Bortolotto  
President of Council

Attest: M. Meola  
Clerk of Council

Approved On: 11-14-24

Presented to Mayor: 11/13/24

M. H. Costa  
Mayor

	Yea	Nay
Bortolotto	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ali	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sage	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Meany	<input checked="" type="checkbox"/>	<input type="checkbox"/>
McGregor	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ference	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Zakel	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**CERTIFICATE**

I, Mary Ann Meola, Clerk of Council of the City of Middleburg Heights, Ohio, do hereby certify that the foregoing is a true and accurate copy of Res. 2024-89 passed on the 12<sup>th</sup> day of November 2024 by said Council.

Mary Ann Meola  
Clerk of Council

I, Mary Ann Meola, Clerk of the Council of the City of Middleburg Hts., Ohio, hereby certify that Res. 2024-89 adopted by the Council of the City of Middleburg Hts., on 11/12/24 was posted for a period of fifteen days, beginning 11/13/24 and remained so posted for fifteen days at the two posting places as designated by Charter.

Mary Ann Meola  
Clerk